IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 13693 of 2006
With
SPECIAL CIVIL APPLICATION No. 13726 of 2006

For Approval and Signature:

HONOURABLE MR.JUSTICE JAYANT PATEL

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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PATEL NARANBHAI MANILAL & 3 - Petitioner(s)
Versus
JOINT SECRETARY & 4 - Respondent(s)

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Appearance :
MR MAHESH BHAVSAR for Petitioner(s) : 1 - 4.
MR MR MENGDEY, AGP for Respondent(s) : 1,
None for Respondent(s) : 2 - 3.
MR NEHAL R JOSHI for Respondent(s) : 4 - 5.

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CORAM : HONOURABLE MR.JUSTICE JAYANT PATEL

Date : 17/07/2006

COMMON ORAL JUDGMENT

Draft amendment granted in Special Civil Application No. 13693 of 2006.

2. **Rule**. Mr. Mengdey, learned AGP is directed to appear for respondent Nos. 1 & 2 and Mr. Mehul Shah with Mr. Joshi for private respondents. With consent, I have heard the learned advocates appearing for both the sides for final disposal.

3. The learned advocates appearing for both the sides have further not invited the reasons, suffice it to record the reasons as under.

4. Upon hearing Mr. Bhavsar for the petitioners and Mr. Shah with Mr. Joshi for the private respondents, it appears that there is delay on the part of the petitioners in challenging the order of the Secretary. However, on merits, it appears that as per the settled legal position, the revenue entries are having value only for fiscal purpose. Revenue Entry neither confers any right in the property nor alters the right in the property, which otherwise exist as per the Transfer of Properties Act or other relevant laws. Further, the entry based on the Registered Sale Deed deserves to be recorded. In any event, all the entries including the entry based on the Registered Sale Deed can be made subject to the final outcome of the proceedings of the Civil Suit No. 275/02 in which the rights of the parties in the property are to be finalised.

5. Therefore, considering the facts and circumstances, it appears that the delay caused

by the petitioners for preferring these petitions can be compensated by awarding reasonable amount to the private respondents and the State Authorities.

6. It is directed that Entry No. 6982 dated 27.11.1999, Entry No. 6983 dated 27.11.1999 and Entry No. 7531 dated 25.11.2002 shall be continued in the revenue record with the clarification that all such entries are subject to the outcome of the proceedings of the Civil Suit No. 275/02. The aforesaid order shall be on the condition that the petitioners deposit the amount of Rs. 5,000/- (five thousand only) in each of the petition for compensating the respondents for delay caused in the present petitions. The amount shall be deposited within a period of two weeks from today with this Court. After the amount is deposited, it will be open to the private respondents to withdraw the amount of Rs. 3000/- in each petition as compensation for delay and the State Authorities shall be at the liberty to withdraw the amount of Rs. 2000/- for compensation of the delay caused in each petition.

7. It is also made clear that the concerned Civil Court before which the Regular Civil Suit No. 275/02, shall be at liberty to take independent view of the matter on the basis of material that may be available before it without being

influenced in any manner by any observations made by the revenue authority as well as by this Court in the present order.

8. The petitions are disposed of in terms of the aforesaid directions. Rule made absolute to the aforesaid extent only. Considering the facts and circumstances, as the compensation is awarded for delay caused in the petitions, no additional cost is ordered.

(JAYANT PATEL, J.)

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